

1 John P. Schnurer, Bar No. 185725
JSchnurer@perkinscoie.com
2 Michael J Engle, Bar No. 259476
MEngle@perkinscoie.com
3 PERKINS COIE LLP
11988 El Camino Real, Suite 350
4 San Diego, CA 92130-2594
Telephone: 858.720.5700
5 Facsimile: 858.720.5799

6 Attorneys for Plaintiff Largan Precision Co.,
Ltd.

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 LARGAN PRECISION CO., LTD.,

12 Plaintiff,

13 v.

14 SAMSUNG ELECTRONICS CO.,
LTD.; SAMSUNG ELECTRONICS
15 AMERICA, INC.; and SAMSUNG
TELECOMMUNICATIONS
16 AMERICA, LLC,

17 Defendants.

Case No. '13CV2740 AJB NLS

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Largan Precision Co., Ltd. (“Largan”) hereby pleads the following
2 claims for patent infringement against Defendants Samsung Electronics Co., Ltd.
3 (“SEC”); Samsung Electronics America, Inc. (“SEA”); and Samsung
4 Telecommunications America, LLC (“STA”) (collectively, “Samsung”), and
5 alleges as follows:

6 **PARTIES**

7 1. Plaintiff Largan is a Taiwanese corporation with its principal place of
8 business located at No. 11, Jingke Road, Nantun District, Taichung City 40852,
9 Taiwan. Largan is the owner of the patent rights at issue in this action.

10 2. On information and belief, Defendant Samsung Electronics Co., Ltd. is
11 a Korean corporation with its principal offices at 1320-10, Seocho 2-dong, Seocho-
12 gu, Seoul 137-857, South Korea. On information and belief, SEC designs,
13 manufactures, and provides to the U.S. and world markets a wide range of products,
14 including consumer electronics, computer components, and myriad mobile and
15 entertainment products.

16 3. Samsung Electronics America, Inc. is a New York corporation with its
17 principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey
18 07660. On information and belief, SEA is a subsidiary of SEC that markets, sells,
19 or offers for sale a variety of consumer electronics, and provides operation services
20 for other Samsung entities such as STA.

21 4. Samsung Telecommunications America, LLC is a Delaware limited
22 liability company with its principal place of business at 1301 East Lookout Drive,
23 Richardson, Texas 75081. On information and belief, STA is a subsidiary of SEC
24 that markets, sells, and offers for sale a variety of personal and business
25 communications devices in the United States, including mobile phones.
26
27
28

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including but not limited to 35 U.S.C. § 271.

6. The Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Samsung because, among other things, Samsung has committed, aided, abetted, contributed to, and/or participated in the commission of patent infringement in this judicial district and elsewhere that led to foreseeable harm and injury to Largan. Samsung, directly and/or through third parties, manufactures or assembles products that are and have been offered for sale, sold, purchased, and used within this forum. Samsung, directly and/or through their distribution networks, regularly place their products within the stream of commerce with the knowledge, understanding, and desire that such products will be sold in this forum and throughout the United States. Samsung, directly or through third parties, also has advertised and marketed such products in this forum. Thus, Samsung has established minimum contacts within the forum and purposefully availed itself of the benefits of this forum, and the exercise of personal jurisdiction over Samsung would not offend traditional notions of fair play and substantial justice.

8. Samsung transacts business in this forum because, among other things, Samsung manufactures, imports, and distributes products that are offered for sale, sold, purchased, and used within this forum. Samsung has also committed tortious acts of patent infringement in this forum and has a regular and established place of business in this forum. Samsung also is subject to personal jurisdiction in this forum. Venue therefore is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(a)-(d) and 1400(b).

GENERAL ALLEGATIONS

9. Largan is the world's largest designer and manufacturer of imaging lens products. Largan's imaging lens products can be used in cameras for a wide range of devices including mobile phones, tablets, notebook computers, web cams, automobiles, and scanners. As products such as mobile phones have gotten smaller and users have increasingly relied upon cameras in their mobile phones rather than stand-alone products, the need for imaging lenses of compact size yet high performance has become increasingly pressing. Through its innovation and high quality design of products, Largan has developed a portfolio of patents, including the patents-in-suit, to address these needs.

10. Samsung's mobile phones, such as the Galaxy Note II, include one or more cameras. Each camera includes an imaging lens. Largan has become aware that many of Samsung's mobile phones, such as the Galaxy Note II, incorporate the inventions of one or more of Largan's patents. Largan notified Samsung that it was infringing Largan's patents-in-suit in at least January, February, August, and September 2013 through letters, emails, and claim charts sent to Samsung and its counsel. Despite being aware of Largan's patents and Largan's infringement allegations, Samsung has continued selling the infringing devices.

THE ASSERTED PATENTS

11. Largan owns by assignment all rights to United States Patent No. 7,262,925 ("the '925 patent"), titled "Image Lens Array," which duly and legally issued on August 28, 2007. A copy of the '925 patent is attached as Exhibit A.

12. Largan owns by assignment all rights to United States Patent No. 7,394,602 ("the '602 patent"), titled "Optical System for Taking Image," which duly and legally issued on July 1, 2008. A copy of the '602 patent is attached as Exhibit B.

13. Largan owns by assignment all rights to United States Patent No. 7,898,747 ("the '747 patent"), titled "Thin Type Optical Lens System for Taking

1 Image,” which duly and legally issued on March 1, 2011. A copy of the ’747
2 patent is attached as Exhibit C.

3 14. Largan owns by assignment all rights to United States Patent No.
4 8,154,807 (“the ’807 patent”), titled “Imaging Lens Assembly,” which duly and
5 legally issued on April 10, 2012. A copy of the ’807 patent is attached as Exhibit
6 D.

7 15. Largan owns by assignment all rights to United States Patent No.
8 8,284,291 (“the ’291 patent”), titled “Photographing Optical Lens Assembly,”
9 which duly and legally issued on October 9, 2012. A copy of the ’291 patent is
10 attached as Exhibit E.

11 16. Largan owns by assignment all rights to United States Patent No.
12 8,508,860 (“the ’860 patent”), titled “Optical Lens System,” which duly and legally
13 issued on August 13, 2013. A copy of the ’860 patent is attached as Exhibit F.

14 **CLAIMS FOR RELIEF**

15 **CLAIM 1 – INFRINGEMENT OF U.S. PATENT NO. 7,262,925**

16 17. Largan incorporates by reference the allegations in the paragraphs
17 above.

18 18. On information and belief, Samsung has infringed and continues to
19 infringe one or more claims of the ’925 patent under 35 U.S.C. § 271.

20 19. Samsung has directly infringed the ’925 patent in the United States and
21 this District through the making, using, sale, offer for sell, and/or importation of its
22 products, including without limitation the Samsung Galaxy Note and Galaxy S II.
23 On information and belief, the front camera in the accused devices has optical
24 shapes and parameters meeting all of the requirements of one or more claims of the
25 ’925 patent, whether literally or under the doctrine of equivalents.

26 20. Samsung has induced infringement by inducing others, such as cellular
27 service providers, distributors, end users, and other Samsung entities, to make, use,
28 sell, offer for sale, and/or import the accused devices in the United States and this

1 District. Samsung also has provided directions, instruction manuals, guides, and/or
2 other materials that instruct and encourage the purchaser of an accused device to
3 use the device in a manner that infringes certain claims of the '925 patent. Largan
4 placed Samsung on notice of its infringement of the '925 patent on or before
5 January 31, 2013.

6 21. On information and belief, Samsung's infringement has been, and
7 continues to be, willful and deliberate, and has caused substantial damage to
8 Largan. For example, Samsung has continued to sell the accused devices despite its
9 awareness of the '925 patent and Largan's infringement allegations.

10 22. On information and belief, Samsung's infringement in violation of
11 federal patent laws will continue to injure Largan unless otherwise enjoined by this
12 Court.

13 **CLAIM 2 – INFRINGEMENT OF U.S. PATENT NO. 7,394,602**

14 23. Largan incorporates by reference the allegations in the paragraphs
15 above.

16 24. On information and belief, Samsung has infringed and continues to
17 infringe one or more claims of the '602 patent under 35 U.S.C. § 271.

18 25. Samsung has directly infringed the '602 patent in the United States and
19 this District through the making, using, sale, offer for sell, and/or importation of its
20 products, including without limitation the Samsung Galaxy Note and Galaxy S II.
21 On information and belief, the front camera in the accused devices has optical
22 shapes and parameters meeting all of the requirements of one or more claims of the
23 '602 patent, whether literally or under the doctrine of equivalents.

24 26. Samsung has induced infringement by inducing others, such as cellular
25 service providers, distributors, end users, and other Samsung entities, to make, use,
26 sell, offer for sale, and/or import the accused devices in the United States and this
27 District. Samsung also has provided directions, instruction manuals, guides, and/or
28 other materials that instruct and encourage the purchaser of an accused device to

1 use the device in a manner that infringes certain claims of the '602 patent. Largan
2 placed Samsung on notice of its infringement of the '602 patent on or before
3 January 31, 2013.

4 27. On information and belief, Samsung's infringement has been, and
5 continues to be, willful and deliberate, and has caused substantial damage to
6 Largan. For example, Samsung has continued to sell the accused devices despite its
7 awareness of the '602 patent and Largan's infringement allegations.

8 28. On information and belief, Samsung's infringement in violation of
9 federal patent laws will continue to injure Largan unless otherwise enjoined by this
10 Court.

11 **CLAIM 3 – INFRINGEMENT OF U.S. PATENT NO. 7,898,747**

12 29. Largan incorporates by reference the allegations in the paragraphs
13 above.

14 30. On information and belief, Samsung has infringed and continues to
15 infringe one or more claims of the '747 patent under 35 U.S.C. § 271.

16 31. Samsung has directly infringed the '747 patent in the United States and
17 this District through the making, using, sale, offer for sell, and/or importation of its
18 products, including without limitation the Samsung Galaxy S III and Galaxy Note
19 II. On information and belief, the front camera in the accused devices has optical
20 shapes and parameters meeting all of the requirements of one or more claims of the
21 '747 patent, whether literally or under the doctrine of equivalents.

22 32. Samsung has induced infringement by inducing others, such as cellular
23 service providers, distributors, end users, and other Samsung entities, to make, use,
24 sell, offer for sale, and/or import the accused devices in the United States and this
25 District. Samsung also has provided directions, instruction manuals, guides, and/or
26 other materials that instruct and encourage the purchaser of an accused device to
27 use the device in a manner that infringes certain claims of the '747 patent. Largan
28

1 placed Samsung on notice of its infringement of the '747 patent on or before
2 February 5, 2013.

3 33. On information and belief, Samsung's infringement has been, and
4 continues to be, willful and deliberate, and has caused substantial damage to
5 Largan. For example, Samsung has continued to sell the accused devices despite its
6 awareness of the '747 patent and Largan's infringement allegations.

7 34. On information and belief, Samsung's infringement in violation of
8 federal patent laws will continue to injure Largan unless otherwise enjoined by this
9 Court.

10 **CLAIM 4 – INFRINGEMENT OF U.S. PATENT NO. 8,154,807**

11 35. Largan incorporates by reference the allegations in the paragraphs
12 above.

13 36. On information and belief, Samsung has infringed and continues to
14 infringe one or more claims of the '807 patent under 35 U.S.C. § 271.

15 37. Samsung has directly infringed the '807 patent in the United States and
16 this District through the making, using, sale, offer for sell, and/or importation of its
17 products, including without limitation the Samsung Galaxy S III and Galaxy Note
18 II. On information and belief, the front camera in the accused devices has optical
19 shapes and parameters meeting all of the requirements of one or more claims of the
20 '807 patent, whether literally or under the doctrine of equivalents.

21 38. Samsung has induced infringement by inducing others, such as cellular
22 service providers, distributors, end users, and other Samsung entities, to make, use,
23 sell, offer for sale, and/or import the accused devices in the United States and this
24 District. Samsung also has provided directions, instruction manuals, guides, and/or
25 other materials that instruct and encourage the purchaser of an accused device to
26 use the device in a manner that infringes certain claims of the '807 patent. Largan
27 placed Samsung on notice of its infringement of the '807 patent on or before
28 February 5, 2013.

1 39. On information and belief, Samsung's infringement has been, and
2 continues to be, willful and deliberate, and has caused substantial damage to
3 Largan. For example, Samsung has continued to sell the accused devices despite its
4 awareness of the '807 patent and Largan's infringement allegations.

5 40. On information and belief, Samsung's infringement in violation of
6 federal patent laws will continue to injure Largan unless otherwise enjoined by this
7 Court.

8 **CLAIM 5 – INFRINGEMENT OF U.S. PATENT NO. 8,284,291**

9 41. Largan incorporates by reference the allegations in the paragraphs
10 above.

11 42. On information and belief, Samsung has infringed and continues to
12 infringe one or more claims of the '291 patent under 35 U.S.C. § 271.

13 43. Samsung has directly infringed the '291 patent in the United States and
14 this District through the making, using, sale, offer for sell, and/or importation of its
15 products, including without limitation the Samsung Galaxy Note II. On
16 information and belief, the rear camera in the accused devices has optical shapes
17 and parameters meeting all of the requirements of one or more claims of the '291
18 patent, whether literally or under the doctrine of equivalents.

19 44. Samsung has induced infringement by inducing others, such as cellular
20 service providers, distributors, end users, and other Samsung entities, to make, use,
21 sell, offer for sale, and/or import the accused devices in the United States and this
22 District. Samsung also has provided directions, instruction manuals, guides, and/or
23 other materials that instruct and encourage the purchaser of an accused device to
24 use the device in a manner that infringes certain claims of the '291 patent. Largan
25 placed Samsung on notice of its infringement of the '291 patent on or before
26 August 10, 2013.

27 45. On information and belief, Samsung's infringement has been, and
28 continues to be, willful and deliberate, and has caused substantial damage to

1 Largan. For example, Samsung has continued to sell the accused devices despite its
2 awareness of the '291 patent and Largan's infringement allegations.

3 46. On information and belief, Samsung's infringement in violation of
4 federal patent laws will continue to injure Largan unless otherwise enjoined by this
5 Court.

6 **CLAIM 6 – INFRINGEMENT OF U.S. PATENT NO. 8,508,860**

7 47. Largan incorporates by reference the allegations in the paragraphs
8 above.

9 48. On information and belief, Samsung has infringed and continues to
10 infringe one or more claims of the '860 patent under 35 U.S.C. § 271.

11 49. Samsung has directly infringed the '860 patent in the United States and
12 this District through the making, using, sale, offer for sell, and/or importation of its
13 products, including without limitation the Samsung Galaxy Note II. On
14 information and belief, the rear camera in the accused devices has optical shapes
15 and parameters meeting all of the requirements of one or more claims of the '860
16 patent, whether literally or under the doctrine of equivalents.

17 50. Samsung has induced infringement by inducing others, such as cellular
18 service providers, distributors, end users, and other Samsung entities, to make, use,
19 sell, offer for sale, and/or import the accused devices in the United States and this
20 District. Samsung also has provided directions, instruction manuals, guides, and/or
21 other materials that instruct and encourage the purchaser of an accused device to
22 use the device in a manner that infringes certain claims of the '860 patent. Largan
23 placed Samsung on notice of its infringement of the '860 patent on or before
24 August 10, 2013.

25 51. On information and belief, Samsung's infringement has been, and
26 continues to be, willful and deliberate, and has caused substantial damage to
27 Largan. For example, Samsung has continued to sell the accused devices despite its
28 awareness of the '860 patent and Largan's infringement allegations.

1 52. On information and belief, Samsung's infringement in violation of
2 federal patent laws will continue to injure Largan unless otherwise enjoined by this
3 Court.

4 **PRAYER FOR RELIEF**

5 Wherefore, Largan prays for relief as follows:

6 A. That the Court render judgment declaring that Samsung has infringed,
7 directly and/or indirectly, literally and/or under the doctrine of equivalents, the '925
8 patent, '602 patent, '747 patent, '807 patent, '291 patent, and '860 patent, in
9 violation of 35 U.S.C. § 271;

10 B. That the Court render judgment declaring Samsung's infringement of
11 the '925 patent, '602 patent, '747 patent, '807 patent, '291 patent, and '860 patent
12 is willful and deliberate;

13 C. That Largan be awarded damages adequate to compensate Largan for
14 Samsung's infringement of the '925 patent, '602 patent, '747 patent, '807
15 patent, '291 patent, and '860 patent;

16 D. That Largan be awarded pre-judgment and post-judgment interest on
17 all damages awarded;

18 E. That the Court temporarily, preliminarily, and permanently enjoin
19 Samsung; its successors, assigns, subsidiaries, and transferees; its officers,
20 directors, agents, and employees; and all others working on Samsung's behalf from
21 making, using, selling, offering for sale, or importing in the United States any
22 product falling within the scope of the '925 patent, '602 patent, '747 patent, '807
23 patent, '291 patent, and '860 patent, or inducing others to infringe or contributing to
24 others infringing;

25 F. That the Court render judgment declaring this to be an exceptional
26 case and awarding treble damages to Largan for the unlawful practices of Samsung;

27 G. That Largan be awarded its costs, expenses, and reasonable attorneys'
28 fees;

1 H. That the Court order a full accounting of the damages above, including
2 for past infringement and any continuing or future infringement;

3 I. Such other and further relief as the Court deems just and proper.

4 **DEMAND FOR JURY TRIAL**

5 Largan hereby demands a trial by jury of all issues so triable.

6
7 DATED: November 14, 2013

PERKINS COIE LLP

8
9 By: *s/ John P. Schnurer*

10 John P. Schnurer, Bar No. 185725
JSchnurer@perkinscoie.com
11 Michael J. Engle, Bar No. 259476
MEngle@perkinscoie.com

12 Attorneys for Plaintiff Largan
Precision Co., Ltd.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28